

**AN ORDINANCE BY THE
PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

AN ORDINANCE TO AMEND ARTICLE IV, CHAPTER 2, SECTIONS 2-135, 2-396 AND 2-397, TO CREATE A NEW SECTION 2-408, AND TO AMEND ARTICLE II, CHAPTER 62, SECTION 62-28 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO CONSOLIDATE THE SOLICITOR'S OFFICE WITH THE DEPARTMENT OF LAW; TO EFFECTUATE A REORGANIZATION OF THE DEPARTMENT OF LAW AND SOLICITOR'S OFFICE; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes both the Department of Law and a separate city Solicitor position;

WHEREAS, it is common practice throughout the country to house the solicitor function within city attorney function to promote efficiency and economy;

WHEREAS, it is now the wish of the City to consolidate the functions of the Solicitor within the Department of Law; and

WHEREAS, this ordinance is intended to serve as a plan of reorganization pursuant to section 3-302 of the Charter.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Article VI, Chapter 2, Section 2-396 of the Code of the City of Atlanta, Georgia be amended to read as follows:

Sec. 2-396. Authority of department.

The department of law is vested with complete and exclusive authority and jurisdiction in all matters of law relating to the executive branch of the city government and of every department, bureau, office, institution, commission, committee, board and other agency thereof, and relating to the prosecution of actions on behalf of the city. Every department, bureau, office, institution, commission, committee, board and other agency of the city government is prohibited from employing counsel in any manner whatsoever, unless otherwise specifically authorized by law, provided that the council is authorized, in its discretion, to employ directly, by contract and for specific assignments, legal counsel for the limited purpose of fulfilling its obligation to provide legislative oversight to the operations of the city.

Section 2: That Article VI, Chapter 2, Section 2-397 of the Code of the City of Atlanta, Georgia be amended to read as follows:

Sec. 2-397. City attorney's power of appointment and removal of personnel; accountability. The city attorney, as head of the department of law, shall have the power of appointing and removing all or any of the city attorney's assistant or associate city attorneys, the city solicitor and any assistant solicitor, claim attorneys, investigators and clerical assistants. The city attorney shall be accountable to the mayor and council for the faithful performance of duties.

Section 3: That a new Article VI, Chapter 2, Section 2-408 of the Code of the City of Atlanta, Georgia be created to read as follows:

Sec. 2-408. Solicitor and assistant solicitors.

(a) Within the department of law there shall be a solicitor who shall be known as the solicitor of the Municipal Court of Atlanta, Georgia, referred to in this section as municipal court. The solicitor shall be accountable to the city attorney.

(b) The duties of the solicitor of the municipal court shall be to:

- (1) Prosecute all cases on behalf of the city that are tried in municipal court;
- (2) Prosecute all commitment hearings that are held in municipal court;
- (3) Perform all appellate work, including work taken either by way of appeal or certiorari, resulting from either cases tried or commitment hearings in municipal court;
- (4) Advise police officers on individual cases, general procedure and legal developments relating to case preparation; and
- (5) Perform such other duties as are or may be required by the city attorney, by law or by ordinance.

(c) The city attorney may employ assistant solicitors as necessary. The duties of the assistant solicitors shall be the same as those of the solicitor of the municipal court, plus any additional judicial duties that the solicitor, with the consent of the city attorney, may prescribe. Assistant solicitors shall be accountable to the city attorney.

(d) Any full-time solicitors and assistant solicitors may not engage in the private practice of law. A part-time assistant solicitor of such courts may engage in the private practice of law but may not practice or appear in any matter as to which he or she has exercised jurisdiction.

Section 4: That Article II, Chapter 62, Section 62-28 of the Code of the City of Atlanta, Georgia be deleted in its entirety, and for the affected code sections to be renumbered accordingly.

Section 5: That Article II, Section 2-135(a)(1) of the Code of the City of Atlanta, Georgia be amended to read as follows:

Sec. 2-135. Jurisdiction of standing committees.

(a) The standing committees of the council shall have jurisdiction as follows:

- (1) *Committee on public safety and legal administration.*
 - a. The public safety, generally;
 - b. Department of police.
 - c. Department of fire.
 - d. Department of corrections.
 - e. Office of emergency management services.

- f. Licenses issued under the police powers of the city.
- g. All matters pertaining to findings of discrimination under the human relations ordinances of the city.
- h. All matters pertaining to the drafting, implementation and supervision of all penal ordinances of the city.
- i. All matters pertaining to the operation of the courts of the city and, with respect to municipal court, all matters pertaining to the number of judges and their salaries.
- j. The number of assistant public defenders and the salary of the public defender and all assistant public defenders.
- k. The duties of the public defenders and assistant public defenders.
- l. The number of court officers pro hac vice.
- m. The law department.
- n. All budgeted contracts pertaining to the agencies under the jurisdiction of this committee.

Section 6: That this ordinance shall become effective only upon the enactment of Ordinance Number 08-O-0879.

Section 7: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.